IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Bail Appl..No. 2036 of 2007()

C.R.No.78/2006 of Chengannur Excise Range

PETITIONER/1ST ACCUSED IN CR.NO.78/06

BABU C.C., AGED 30 YEARS,
S/O. CHELLAPPAN ACHARY, RESIDING AT ULIYANADU
KIZHAKKETHIL VEEDU, PERISSERY MURI,
PULIYUR VILLAGE, CHENGANNUR TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS: COMPLAINANT IN CR.NO.78/06

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI FIROZ KHAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

B.A.No.2036 of 2007

Dated this the 17th day of April, 2007

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the first accused in C.R. No.78/2006 of Chengannur Excise Range. The offence alleged against him is under Section 55(a) of the Kerala Abkari Act.

3. The petitioner moved an application for bail before the Court of Judicial Magistrate of the First Class-II, Chengannur, but the same was dismissed by the order dated 21/02/2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned

counsel for the petitioner that the petitioner is undergoing detention from 19/02/2007 onwards and that accused No.2 was granted regular bail after 57 days of his detention in jail. The prosecution allegation is that the petitioner was found in possession of 340 litres of spirit. The learned Public Prosecutor submits that though the final report is not filed, the investigation is at the final stage.

In the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner shall be released on bail on condition that he executes a bond for Rs40,000/- with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class-II, Chengannur.

(K.T.SANKARAN)
JUDGE

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